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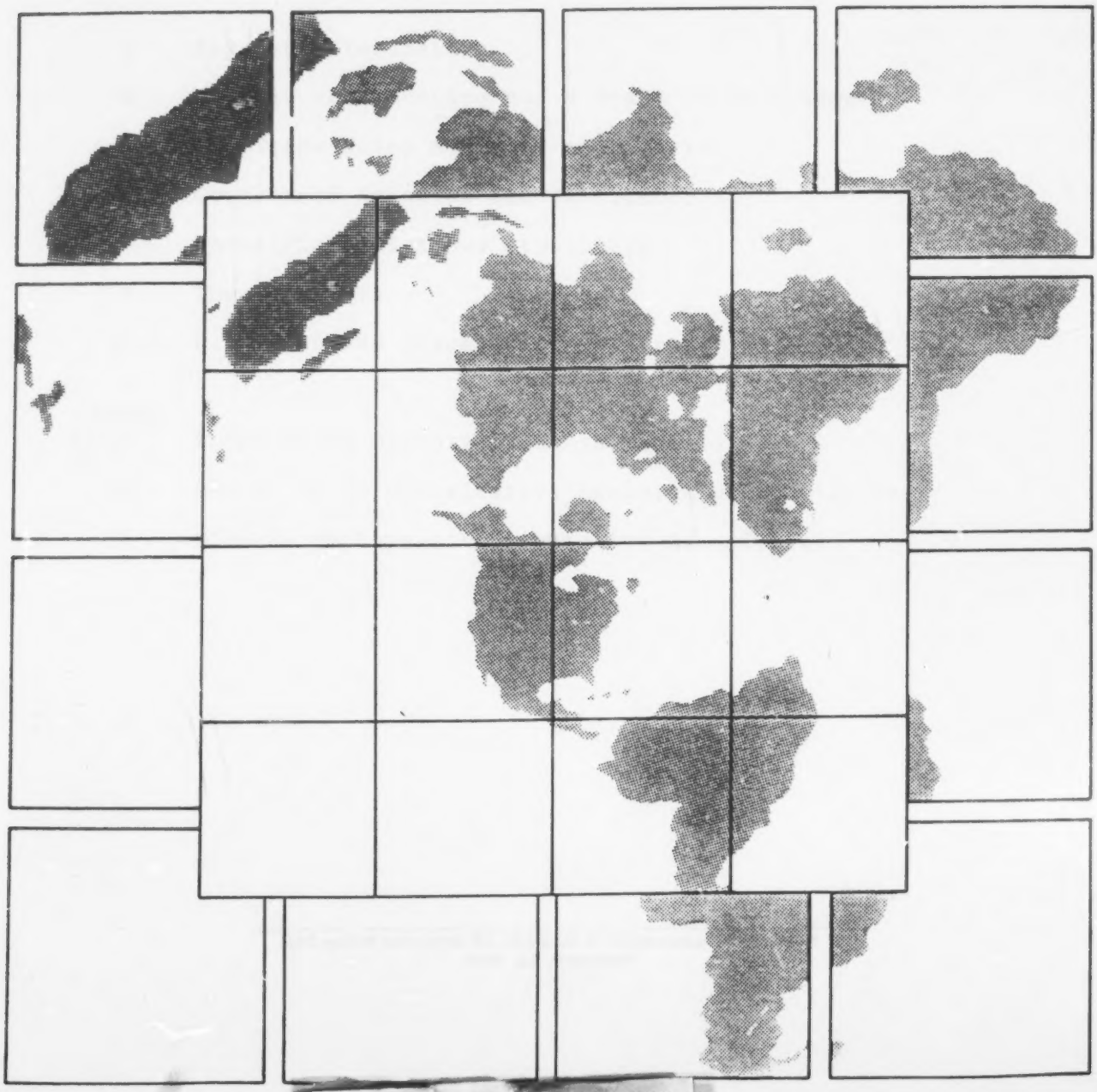

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FOREIGN LABOR TRENDS REPORT

NIGERIA

1988

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KEY LABOR INDICATORS

Per capita GNP, current prices, (1988 Naira)			1,300
Per capita GNP, constant prices (1984 Naira)			700
Population, total (millions), 1988 (est)			112
Population, growth rate, 1988 (pct)			2.8
Population, in urban areas, 1988 (pct)			28
Birth rate per thousand, 1988			46
Life expectancy at birth, total, 1988			51
---, male			55
---, female			49
Adult literacy rate, 1988 (pct)			25-35
Employment, civilian (millions), 1988			37
Employment, civilian, in industry			3.7
Employment, civilian, in agriculture			25.6
Employment, civilian, in services			7.5
Unemployment rate (national), March 1988 (pct)			5.1
Urban unemployment rate, March 1988			7.3
Rural unemployment rate, March 1988			4.6
Minimum wage rate per month (Naira)			125 *
Average hours worked per week			40-44
Unionization of labor			**
Rate of change in consumer prices during preceding year (pct)			40
Trade with U.S. ($millions)	1987	1988	Pct Chg
Exports to U.S.	3,767	3,677	-2.4
Imports from U.S.	295	357	21

Note: Trade values exclude figures on military equipment and diplomatic goods or relief for victims of war or natural disaster.

* Variable exchange rate; about $16 per month.

** Recognition of unions by employers of 50 or more workers in commerce and industry is mandatory.

NIGERIA AS A SETTING FOR A TRADE UNION MOVEMENT

Nigeria, with about 112 million people, is the most populous country in Africa and one of the most complex. It is a federation of 21 states, some of which have more people and larger budgets than many smaller African nations. While Nigeria is not a multiracial country, its population includes over 300 distinct African ethno-linguistic groups, each with an identifiable home area. In modern times, three major ethnic groups dominate the country's political and economic life: the Yoruba of the southwest, the Hausa-Fulani of the north and Ibos of the east, but many others play important roles. Regionalism and ethnicity remain central to almost every aspect of Nigerian life today.

Religion also plays an important role. The population was estimated in prior years as about 45 percent Muslim and 35 percent Christian. Some estimates now hold that there is a rough parity between the religions. The remainder are adherents of traditional indigenous religions. Islam is the major influence in the life of the north, and is important in the west. Christians predominate in the east and are important in the west. Religious tensions have surfaced since Nigeria's entry into full membership in the Organization of the Islamic Conference in 1986. Christians have demanded complete withdrawal from the Islamic organization, while Muslims want continued membership and anticipate financial benefits to accrue to Nigeria as a result. The government's position is ambiguous. It has not formally withdrawn, but neither has it taken an active part in the organization. There is a continuous debate over "federal character," or the means whereby Federal Government jobs and resources are allocated among the states, and the common rights of all citizens versus programs intended to benefit local citizens.

British colonization of what is now Nigeria began in the 1860s, and modern Nigeria gained its independence from Britain in 1960, remaining a member of the Commonwealth. The new nation was governed by a parliamentary system until 1966, then by successive military governments until 1979, when a new civilian government was elected and inaugurated under a federal constitution, modeled in large part after that of the United States. The military resumed political control in a virtually bloodless coup on December 31, 1983. The Government led by Head of State Major General Muhammadu Buhari was, in turn, ousted by another coup on August 27, 1985, which brought to power (then) Major General Ibrahim B. Babangida, who continues to lead Nigeria as its president.

The Babangida administration is credited with curbing human rights abuses of the Buhari administration. Babangida repealed a decree limiting press freedoms, and set up judicial commissions to review cases of detainees and miscellaneous offenses. It abolished the death penalty for all but armed robbery (and murder) convictions and established a Special Appeal Tribunal for all tribunal convictions. All tribunals are now headed by judges. The Babangida administration also restored a measure of public participation in government decision-making by encouraging public debates on important national issues. (The Federal Military Government (FMG) has pledged to review the decrees setting up the tribunals.)

The press and media are relatively free. Corruption still exists in the society and constitutes a major problem in many areas of Nigerian life.

Nigeria has a mixed economy. The government plays a major role in important sectors, including petroleum, steel, transportation, and utilities, and estimates are that one-third of Nigeria's nonagricultural work force is employed in the public sector. However, there is a strong market orientation and broad scope for private investment. Commerce is deeply ingrained in Nigerian life, and entrepreneurship is respected. The economy has been transformed in the past two decades by the development of the oil industry, which brought large amounts of revenue and some development, but overshadowed other sectors of the economy. In recent years oil has accounted for about 75 percent of government revenues and about 95 percent of the country's foreign exchange earnings. Manufacturing firms are heavily dependent on imports and, until a large effective devaluation in September 1986, an overvalued exchange rate hampered the development of industry as well as of agriculture and non-oil exports.

The current military government in 1986 adopted a Structural Adjustment Program (SAP) that calls for much greater reliance on the private sector. Major elements of the SAP include devaluation of the local currency, elimination of an inefficient import license system, reduction of certain government subsidies, abolition of the state agricultural commodity boards, and elimination of price controls. Implementation of the SAP has generally been good, and the economy's supply response has been encouraging. Output, investment, and employment in the export sector are up; non-oil exports in 1988, at an estimated $800 million, were double the level of 1986. Producers in all sectors are successfully seeking ways to economize on imported inputs by increasing reliance on locally-sourced inputs. Import substitution has permitted a partial recovery of the manufacturing sector, despite continued compression of imports.

These gains notwithstanding, there is widespread dissatisfaction; recovery has been slow and it will take years of growth for per capita gross national product (GNP) to recover from the present level of $300 to the 1980 level of more than $1,000. Continued weak oil prices and the poor prospects for large foreign capital inflows, whether loans or equity investments, mean that the economy is unable to finance imports at levels required for a stronger, more sustained recovery.

THE TRADE UNION MOVEMENT IN NIGERIA

The first workers' union in Nigeria was organized in 1912, and the trade union movement was one of the first institutions in which Nigerians began to advance Nigerian interests during the colonial era. In Nigerian law, a trade union is any organization, whether of employees or employers, that enters into contracts over terms and conditions of labor. Therefore, the names "industrial unions," "senior staff associations," and "professional unions" are used to indicate what Americans call trade unions. Modeled after British unions, Nigerian unions typically have elected officials who set policy, but the day-to-day operations are handled by appointed officials headed by an appointed General Secretary. In most cases, even the elected national union officers remain full-time employees of the public or private sector employer with which the union bargains collectively. Also, by law unions have been divided into two categories: "industrial" or "junior worker unions," meaning the lower paid blue collar employees in grades 1-6, and the "senior workers," meaning the higher paid gray and white collar workers in grades 7-17. The latter are organized into unions known as senior staff associations or, for some, professional unions. Only the industrial unions are members of the country's central labor body.

The present trade union structure in Nigeria is a legacy of the 1975-79 military government which in 1978 decreed the reorganization of almost 900 small unions and 4 competing national centers into 42 larger industrial unions with legally defined jurisdictions under one center--the Nigeria Labour Congress (NLC). Union activities are monitored, and to some extent regulated, by the government. The 1978 decree, which amended the Trade Unions Decree of 1973, also recognized designated senior staff associations, professional unions, sectoral employers' associations, and the Nigerian Employers' Consultative Association (NECA). The avowed goals of the 1978 military government reform were to bring order to the then chaotic trade union movement, to prevent the politicization of the trade union movement with the planned return to civilian

government, and to remove East-West ideological competition from the Nigerian labor scene. The forced merger of national centers, compulsory affiliation of registered unions with the NLC, deregistration of some unions, and stipulation that only one union may exist for each category of worker was found to be in violation of Articles 2, 5, and 6 of ILO Convention 87 by the ILO "Report of the Committee of Experts on the Application of Conventions and Recommendations" in 1982 (68th Session).

The NLC once claimed a total membership of about three million workers, about 10 percent of the modern-sector work force, but that total has been drastically reduced by 8 years of austerity and high unemployment. Below the national NLC there is an NLC council in each of the 21 states. Although launched in 1978-79 with a government grant of one million naira (then about $1.5 million), the NLC now obtains its income through a per capita levy on its 42 affiliates, who receive their members' dues through check-off (payroll deductions) from the employers.

Nigeria's union leaders are democratically elected and usually free from government control. All Nigerian workers 16 years of age or older may join unions except for members of the armed forces and designated employees of essential government services. Employers are obliged to recognize registered unions and remit dues check-off for industrial unions. The closed shop, however, is prohibited; employees may decline union membership and dues check-off. Under a 1986 legal change, members of senior staff associations may have their dues deducted only by individual request.

Internationally, the NLC belongs to the Organization of African Trade Union Unity (OATUU), and individual unions belong to OATUU'S affiliated Pan-African federations. Industrial unions may not affiliate with non-African international union organizations, but may have fraternal relations as nonmembers. The NLC president is the worker member in Nigeria's tripartite delegation to the ILO. In accordance with its original mandate, the NLC is not affiliated with non-African international labor organizations such as the International Confederation of Free Trade Unions (ICFTU), World Federation of Trade Unions (WFTU), or the World Confederation of Labor (WCL). The NLC is ostensibly nonaligned on East-West issues, but during the tenure of former NLC presidents Hassan Sunmonu and Ali Chiroma, the NLC maintained close ties with the East. Many more Nigerian trade unionists went to the East for training than to the West. The NLC's public statements on international events usually supported the East and criticized the West, particularly the United States, although this was less pronounced after the election of Chiroma in 1984. The new NLC leadership welcomes training opportunities and other assistance from both the East and West.

GOVERNMENT AGENCIES AND INSTITUTIONS

The senior official directly responsible for labor-related matters is the Federal Minister of Employment, Labour and Productivity, who is a member of the Federal Executive Council of the FMG. The current minister is Alhaji Abubakar Umar, appointed on December 21, 1987.

The Federal Ministry of Employment, Labour and Productivity is the main governmental agency for labor administration in Nigeria. It has offices in all the 21 states of the Federation, thus placing its services at the disposal of all the state governments. Although "labor" is on the exclusive legislative list in the 1979 Constitution--which grants the Federal Government exclusive right in labor administration--some elements of labor relating to health, safety, and welfare of some categories of employees come under the concurrent legislative list. This allows state governments to legislate on such matters without derogating the supremacy of the Federal Government in labor matters. As the main agency for labor administration, the Ministry is charged with responsibility for the performance of the State in industrial relations. Where the Ministry does not perform these functions directly, it is nevertheless responsible for monitoring them and advising on the relevant labor policies. Therefore, the functions of the Ministry can be better seen in the light of the major roles performed by the Federal Government in industrial relations. These can be classified into five major headings: leadership; legislative and regulatory; investigatory and advisory; education and training; and adjudicatory.

An area in which the government has enjoyed some degree of success has been in mediation of disputes. The Ministry has an Industrial Relations Department whose mandate is to promote free collective bargaining, offer preventative mediation service, and monitor the implementation of collective agreements. From the inauguration of the civilian administration in October 1979 until March 1983, there were 890 industrial disputes, of which 799 produced work stoppages at a loss of 13,144,921 man-days. The Industrial Relations Department intervened in 540 of the cases. By comparison, the FMG reported that for 1986 there were 75 disputes, 35 of which caused work stoppages at a loss of 332,294 man-days; 41 disputes were resolved by mediation. In 1987 there were 92 disputes, 41 work stoppages, and a loss of 149,814 man-days. As of mid-1988, 66 disputes were reported, 49 strikes, and a loss of 69,892 man-days. Data for the entire year is not yet available.

Distinct from the Ministry but under the Minister's general responsibility are the Industrial Arbitration Panel (IAP) and the National Industrial Court (NIC). The IAP is a quasi-judicial body with a chairman, vice chairman and a minimum of 10 arbitrators. It can sit with just a single arbitrator in minor cases. The Court has a president and four members, and has both original and appellate jurisdiction over trade disputes involving workers and employers. In 1986, twenty-nine disputes were referred to the IAP and 21 to the Court.

The Productivity, Prices and Incomes Board (PPIB), created in 1976, issues guidelines on wages and benefits that affect collective bargaining. Wages were frozen (at the same level) from 1984 until President Babangida, in his 1988 budget speech of December 31, 1987, lifted the wage freeze with immediate effect.

The National Minimum Wage Act of 1981 set a national minimum wage at 125 naira per month, the highest in Black Africa at the then prevailing exchange rate. An effective devaluation in September 1986 reduced its U.S. dollar equivalent from $80 to about $32, and it has been further devalued to about $16 today. A December 1986 amendment to the Act drastically reduced its worker coverage by changing the size of companies exempted from 50 to 500 employees. As a result, coverage was largely limited to government employees and those in the relatively small number of large private sector companies. This amendment was rescinded in early 1987. The NLC recently proposed to the FMG an increase in the minimum wage to keep apace with inflation and the continuing devaluation of the naira.

An area in which the government has enjoyed little success is in the effort to curtail rising unemployment. The Ministry has an Employment Services Department which conducts a job placement service, but so far with little impact upon the country's unemployed population. The National Directorate of Employment, created in late 1986, launched four major employment and job training programs in 1987. It has created 24,000 jobs in its Public Works Program, has employed 50,000 in agricultural projects, and 90,000 in youth employment and vocational skills development programs. The Ministry supervises a National Provident Fund (NPF), which provides a lump-sum payment to some participatory workers upon their retirement or permanent loss of employment. The NPF is criticized by trade unionists as unsatisfactory. In June 1982, the NPF had accounts from 12,127 employers covering 2,236,566 workers. Ultimately the Ministry hopes to expand the NPF into a comprehensive social security scheme, but that will have to await national economic recovery. The country's work injury

law and the pension law are outdated and in need of revision. A useful summary of Nigerian worker protection and benefit laws is provided in the publication "Social Security Programs throughout the World, 1985," issued by the Social Security Administration, U.S. Department of Health and Human Services.

Industrial on-the-job training in Nigeria is fostered by the tripartite Industrial Training Fund (ITF), which is under the general jurisdiction of the Federal Ministry of Industries. It is funded by mandatory contributions per worker by employer, most of which is refunded if the employer conducts its own employee training. In 1985, the ITF gave allowances totaling 5.74 million naira (U.S. $5.74 million) to over 16,918 students on industrial work experience, and paid 440,000 naira (U.S. $440,000) as supervisory fees. Vocational education is under the jurisdiction of the Federal Ministry of Education.

The Federal Ministry of Employment, Labour and Productivity has responsibility for the government's international labor relations. Nigeria is an active member of the ILO and has ratified 28 ILO conventions. The ILO has an area office in Lagos, which administers ILO technical assistance programs in statistics, industrial training, productivity, and rehabilitation of the disabled in Nigeria and Ghana.

INDUSTRIAL RELATIONS ATMOSPHERE

Industrial disputes are governed by the 1976 Trade Disputes Decree, and strikes and lockouts are forbidden when disputes are referred to arbitration. However, this limitation on the right to strike is more theoretical than real. Generally, terms and conditions of labor are governed by collective bargaining, with government intervention limited to setting wage levels by industry and region. Nevertheless, by virtue of the National Economic Emergency Powers Decrees of 1985 and 1986, the FMG has sweeping powers to dictate changes in national economic and industrial relations policies whenever it sees fit. In 1986 it used these powers to make involuntary wage deductions for a national development fund, and to seize control temporarily of two unions paralyzed by internal leadership struggles. In February 1988, it used these powers to dissolve the Executive Councils of the rival factions of the Nigeria Labour Congress.

In past years numerous strikes of short duration, initiated on the shop floor, have been characteristic of the Nigerian labor scene. Most observers agree that there were considerably fewer strikes from 1983 through 1988 because the

economic recession caused workers to become more concerned to keep what they had than to ask for more. Collective bargaining agreements reflected the same trend, which is toward unions accepting no strike pledges in return for a guaranteed employment period.

One interesting collective bargaining trend noted by some employers is the effectiveness of senior staff associations compared to the industrial unions. Many associations are better informed about company policies and finances than are industrial unions, and can bargain from a stronger position. Those in profitable industries, such as banking and petroleum, sometimes share insider information with the unions, resulting in improved union bargaining on those benefits tnat are traditionally passed along to senior staff.

THE YEAR 1988

For employers and organized labor, 1988 marked the seventh consecutive year of coping with the effects of national economic austerity. President Babangida responded to the mounting pressures by announcing in his 1988 budget speech that petroleum subsidies would remain for an unspecified period of time, lifting the wage freeze, and authorizing a return to collective bargaining. The FMG announced increases in wages and fringe benefits averaging 15-30 percent, but most private sector employers managed to negotiate smaller increases (15-25 percent) primarily because the attention of trade union leaders was diverted away from this bread-and-butter issue toward a fierce struggle for the leadership of the NLC.

The quadrennial NLC Delegates' Conference held in Benin City February 24-26 reelected Ali Chiroma as president for a second 4-year term. As a result of disputes regarding dues payments, delegate accreditation, and ideological factionalism within the NLC, however, the FMG dissolved the Executive Councils of the rival factions on February 29, voided Chiroma's reelection, and appointed a sole administrator to oversee the affairs of the NLC and to organize new elections within 6 months ending August 31. Due to the refusal of some of the unions to cooperate with the sole administrator until the eleventh hour, he was unable to complete his task within 6 months, and his tenure was extended until December 30.

On April 10, the FMG reduced the petroleum subsidy by raising prices of most refined products by amounts varying from 6 to 300 percent. Ironically, it was the six percent increase in the price of gasoline that generated the greatest reaction. Spearheaded by students, bank workers, nurses, and midwives, strikes and work stoppages began in the north and spread slowly towards the south. The civil service Technical Workers Union joined on April 28 causing the closure of the Lagos airport for some 14 hours. A settlement was reached on May 2 in which the FMG agreed to release workers detained during the strike, to urge private sector employers to negotiate new wage packages, to review the implementation of the new civil service salary structure, and to maintain a continuing dialogue with labor. The FMG appointed a negotiating team which met with union representatives and produced a memorandum of understanding (MOU) in which both sides pledged continued dialogue and cooperation in the interest of industrial peace.

In early July the Academic Staff Union of Universities (ASUU) was banned by the FMG and several of its leaders detained in the wake of a strike by university professors demanding implementation of the new salary structure. The salary increases were eventually granted, and the leaders were released after one month's detention, but ASUU remains banned. In August, a leadership dispute in the National Union of Banks, Insurance and Financial Institutions Employees (NUBIFIE) led to prolonged wildcat strikes primarily in the Lagos area. Security officials seized the union's national secretariat and detained 3 of its officials for about 5 months until the dispute was settled. Also in August, the perennial negative cash flow problem of the Nigerian Railway Corporation (NRC) led to the disruption of rail services throughout the country for the third time in 3 months as railway workers went on strike to demand payment of salary arrears and allowances. This issue persists, almost on a monthly basis, and remains unresolved.

In November, a government tribunal sentenced 11 National Electric Power Authority (NEPA) workers to life imprisonment for their participation in an October strike which left most of the nation in darkness. The sentence is subject to review by the Armed Forces Ruling Council (AFRC), and some reduction in the sentences is expected. Also in November, the dockworkers engaged in a series of work stoppages which continued into December to press their demands for full implementation of promised salary increases for all dockworkers, including casual laborers.

After 10 months of government control of the NLC, trade union leaders finally agreed on December 7 to a power sharing formula which led to new NLC elections on December 19. In accordance with the terms of the Peace Pact, a single slate of candidates representing both ideological factions stood unopposed for each elective office. Paschal Bafyau, the General Secretary of the Nigeria Union of Railwaymen, was elected president of the NLC. A professional trade unionist, Bafyau aims to increase the minimum wage, improve the economic wellbeing of workers, and work towards the unification of the NLC.

U.S.-NIGERIAN TRADE UNION RELATIONS

The respective central labor bodies of Nigeria and the United States, the NLC and AFL-CIO, resumed contacts after a hiatus of several years with the visits in 1984 of NLC President Chiroma and other Nigerian trade union leaders to the United States. While no such visits occurred between 1985 and 1987, top leaders continued personal contacts at ILO meetings in Geneva. In October 1987, NLC President Chiroma attended the AFL-CIO convention in Miami, Florida. In addition, a number of Nigerian trade union leaders visited the United States for training or exchange visitor purposes under the auspices of the U.S. Agency for International Development and the U.S. Information Service.

Several Nigerian trade unions have informal fraternal relations with counterpart unions in the United States. These involve exchange visits and some educational or technical assistance activities. In the United States, these programs are coordinated for the AFL-CIO by its African-American Labor Center (AALC). One notable development in 1985 was a special summer leadership training program for over 20 Nigerian trade unionists at Howard University's Institute for Labor-Management Relations, which was arranged directly between the Institute and the NLC. One independent U.S. labor organization that has been active in Nigeria is the National Alliance of Postal and Federal Employees (NAPFE). In October 1987, 36 NAPFE officials visited Nigeria on a 4-day orientation tour hosted by their Nigerian counterpart, the National Union of Postal and Telecommunications Employees (NUPTE).

Dr. Richard Dwyer, Deputy Director of the George Meany Labor Studies Center, visited Nigeria August 5-17, 1988, at the request of the Labour Minister to develop a curriculum for the Nigerian Institute of Labour Studies (NILS) at Ilorin. His report was delivered to the Minister in early November by AALC Regional Representative Tom Miller and offers concrete proposals for staff development training and other improvements at NILS.

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